

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
SPARTANBURG DIVISION

Jennifer L. Calloway and Brad)	
Calloway,)	
)	C.A. No. 7:20-726-HMH-KFM
Plaintiffs,)	
)	OPINION & ORDER
vs.)	
)	
University of South Carolina,)	
)	
Defendant.)	

This matter is before the court on the Report and Recommendation of United States Magistrate Judge Kevin F. McDonald, made in accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02 of the District of South Carolina.¹ In the amended complaint, Plaintiffs Jennifer L. Calloway and Brad Calloway alleged claims of sex discrimination and retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended (“Title VII”); sex discrimination and retaliation in violation of Title IX of the Education Amendments of 1972 (“Title IX”); and state law claims for negligent hiring and negligent training and supervision. (Am. Compl., generally, ECF No. 1-1.) Further, Mr. Calloway alleged a state law claim for loss of consortium. Pursuant to a stipulation of dismissal filed on January 18, 2022, Plaintiffs dismissed with prejudice the claims of sex discrimination and retaliation under Title IX and the state law claim of negligent training and supervision. (Stipul. Dismissal, ECF No. 29.) The

¹ The recommendation has no presumptive weight, and the responsibility for making a final determination remains with the United States District Court. See Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo determination of those portions of the Report and Recommendation to which specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the magistrate judge or recommit the matter with instructions. 28 U.S.C. § 636(b)(1).

Defendant moved for summary judgment on all claims on January 18, 2022. (Mot. Summ. J., ECF No. 31.) Plaintiffs filed a response in opposition on February 9, 2022, and stated that they were no longer pursuing the claims for loss of consortium and negligent hiring. (Resp. Opp’n, ECF No. 35.) Therefore, the remaining claims are sex discrimination and retaliation under Title VII. In the Report and Recommendation, Magistrate Judge McDonald recommends denying the Defendant’s motion for summary judgment on Mrs. Calloway’s claims of sex discrimination and retaliation under Title VII. On June 15, 2022, the Defendant filed objections to the Report and Recommendation. (Objs., ECF No. 46.)

Objections to the Report and Recommendation must be specific. Failure to file specific objections constitutes a waiver of a party’s right to further judicial review, including appellate review, if the recommendation is accepted by the district judge. See United States v. Schronce, 727 F.2d 91, 94 & n.4 (4th Cir. 1984). In the absence of specific objections to the Report and Recommendation of the magistrate judge, this court is not required to give any explanation for adopting the recommendation. See Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

Upon review, the court finds that the Defendant’s objection is non-specific and unrelated to the dispositive portions of the magistrate judge’s Report and Recommendation.² Furthermore, the court has fully reviewed the record and finds that genuine issues of material fact exist with respect to Mrs. Calloway’s claims of sex discrimination and retaliation.

²The Defendant did not specifically object to the magistrate judge’s recommendation to deny summary judgment on the sex discrimination and retaliation claims. Instead, the Defendant objects to a nondispositive issue, requesting that the court clarify “the [magistrate judge’s] interpretation of USC’s disciplinary procedures and application to Mrs. Calloway in the Order’s factual recital and legal analysis.” (Obj. 1, 4, ECF No. 46.) The Magistrate Judge did not conclude that genuine issues of material fact existed because the Defendant was required to comply with any written discipline policy or procedure.

Therefore, after a thorough review, the court adopts Magistrate Judge McDonald's Report and Recommendation and incorporates it herein by reference.

Therefore, it is

ORDERED that the Defendant's motion for summary judgment, document number 31, is granted in part and denied in part. The motion is granted with respect to the loss of consortium and negligent hiring claims and denied with respect to Mrs. Calloway's Title VII sex discrimination and retaliation claims. It is further

ORDERED that Mr. Calloway is dismissed from this action.

IT IS SO ORDERED.

s/Henry M. Herlong, Jr.
Senior United States District Judge

Greenville, South Carolina
June 21, 2022